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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/001,565 12/31/97 STABER

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K MCNEILL TAYLOR, JR.  
P O BOX 489  
HICKORY NC 28601-0489

H EXAMINER
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HAROLD, J. ART UNIT	PAPER
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2644 5

DATE MAILED: 04/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Regards,

JF Harold

(703) 305-5836

# Office Action Summary

Application No.

09/001,565

Applicant(s)

STABER ET AL.

Examiner

Jefferey F. Harold

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 14-15 is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

## DETAILED ACTION

### *Information Disclosure Statement*

1. The references listed in the Information Disclosure Statement submitted on 12/31/1997 have been considered by the examiner (see attached PTO-1449).

### *Claim Objections*

2. **Claim 14** is objected to because of the following informalities: the second line of the **claim 14** recites the limitation "or more or the". This limitation needs to be revised to "or more of the". Appropriate correction is required.

**Claim 15** is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. **Claim 15** recites the limitation "the outside pair of terminals" in 15b(iv) first line. There is insufficient antecedent basis for this limitation in the claim. The phrase "the outside pair of terminals" needs to be changed to "an outside pair of terminals".

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 3-5, 8-11 and 13-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins et al. (United States Patent 4,910,770), hereinafter referenced as Collins, in view of Russell et al. (United States Patent 5,757,803), hereinafter referenced as Russell.

Regarding **claim 1**, Collins discloses a network interface device (NID) and enclosure. Collins further discloses a module (43), as disclosed at column 6, lines 22-24 and exhibited in figure 9, for mounting in the network interface device (NID), as disclosed at column 1, lines 65-69 and exhibited in figure 1, for providing a demarcation point between a pair of telephone company wires (37b), as disclosed at column 6, lines 40-42, and an inherent first and second pair of subscriber wires as evidenced by the fact that one of ordinary skill in the art would have recognized that first and second pair of subscriber wires would have been provided to ensure a communication between the terminals (35), the module (43) and the inherent subscriber equipment, as disclosed at column 5, lines 65-66 and exhibited in figure 7, the inherent first pair of wires for carrying a first signal, the inherent second pair of wires for carrying a second signal and the pair of telephone company wires (37b) for carrying the combined signal of first and second signals, the NID (figure 1) having a housing defining an accessible interior and having a mounting surface (1a), therein defining a plurality of module mounting locations, as disclosed at column 6, lines 16-18 and exhibited in figure 7, the module (43) comprising:

- (a) a block (telephone company terminals (37), splitter module (43), subscriber terminals (35)) having mounting footprint, as exhibited in figure 12, configured for

- removable attachment, as disclosed at column 6, lines 27-32, to at least one mounting location (1a), as exhibited in figure 7;
- (b) an outside pair of telephone company terminals (37), as disclosed at column 6, lines 16-21 and exhibited in figure 7, located on the block (37, 43, 35) and configured for having a pair of telephone company wires (37b), connected thereto, as disclosed at column 6, lines 40-43 and exhibited in figure 13;
- (c) a splitter circuit (43a), as disclosed at column 6, lines 32-34 and exhibited in figure 9, in the block (37, 43, 35) with an inherent first pair of contacts as evidenced by the fact that one of ordinary skill in the art would have recognized that first pair of contacts would have been provided to as a point of communication between the terminals (37) and the splitter circuit (43a), as disclosed at column 6, lines 39-43 and exhibited in figure 13, electrically connected to the telephone company terminals (37) and an inherent second pair of contacts as evidenced by the fact that one of ordinary skill in the art would have recognized that second pair of contacts would have been provided to as a point of communication between the splitter circuit (43a) and the terminals (35) as disclosed at column 6, lines 20-23 and exhibited in figure 13, a splitter circuit electrically between the inherent first and second pair of and designed to pass the combined signal from the first pair of contacts to the second pair of contacts.
- (d) a jack (54), as disclosed at column 6, lines 22-25 and exhibited in figures 9 and 11, located on the block (37, 43, 35) and electrically connected to the inherent second contacts, as exhibited in figures 7, 9, and 11;

- (e) a plug (52), as disclosed at column 6, lines 20-22 and exhibited in figure 8, removably located in the jack (54) to provide a testing point, for the first signal upon removal of the plug (52) from the jack (54), as disclosed at column 6, lines 54-60;
- (f) a pair of subscriber terminals (35), as disclosed at column 7, lines 36-38 and exhibited in figure 7, located on the block (37, 43, 35), electrically connected to the inherent second pair of contacts, as disclosed at column 6, lines 20-23 and exhibited in figure 13, through the jack (54) and configured for having the inherent first pair of subscriber wires connected thereto, as disclosed at column 5, lines 65-66 and exhibited in figure 7; and
- (g) a pair of subscriber terminals (35), as disclosed at column 7, lines 36-38 and exhibited in figure 7, located on the block (37, 43, 35), electrically connected to the telephone company wires, to receive at least the second signal, and configured for having the inherent second pair of subscriber wires connected thereto, as disclosed at column 5, lines 65-66 and exhibited in figure 7.

However, Collins fails to specifically disclose a splitter circuit with a first circuit component designed to pass only the first signal. However, the examiner maintains that it was well known in the art to provide a splitter circuit with a first circuit component designed to pass only the first signal, as taught by Russell.

In a similar field of endeavor, Russell discloses a POTS splitter assembly with improved transhybrid loss for digital subscriber loop transmission. Russell further discloses a splitter circuit (14) with a circuit component designed to pass only the plain

old telephone service (POTS) signal, as disclosed at column 3, lines 28-30 and exhibited in figure 7.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Collins by specifically providing a splitter circuit with a circuit component designed to pass only the POTS signal, as taught by Russell, for the purpose of separating the POTS signal from the combined POTS signal and high rate digital transmission signal provided to the subscriber over the current telephone company lines.

Regarding **claim 3**, Collins and Russell disclose everything claimed, as applied above (see claim 1), however, Collins fails to specifically disclose a second jack and second plug removably inserted therein located electrically in series between the outside pair of terminals and the second inside pair of terminals to provide a demarcation point for the signal received by the second inside pair of terminals. However, the examiner maintains that it is well known in the art to provide a second jack and second plug removably inserted therein, as taught by Russell.

Russell further discloses a splitter circuit (14), exhibited in figure 7, further comprising an inherent second jack as evidenced by the fact that one of ordinary skill in the art would have recognized that a second jack would have been provided for testing of the xDSL communication signal, and an inherent second plug as evidenced by the fact that one of ordinary skill in the art would have recognized that a second plug would have been provided to communicate with the inherent second jack that is used for testing of the xDSL communication signal, removably inserted therein located

electrically in series between the loop (17) and inherent subscriber terminals, to provide a demarcation point for the signal received by the inherent inside terminals, as disclosed at column 3, lines 28-30 and exhibited in figure 7.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Collins by providing a second jack and a second plug, removably inserted therein electrically in series between the telephone company pair of terminals and the second inside pair of terminals, as taught by Russell, for the purpose of testing the xDSL communication signal received at the second inside pair of terminals.

Regarding **claim 4**, Collins and Russell disclose everything claimed, as applied above (see claim 3). Collins further discloses a module (43), as disclosed at column 6, lines 22-24 and exhibited in figure 9, and a splitter circuit (43b), as disclosed at column 6, lines 32-34 and exhibited in figure 9, further comprising the inherent third pair of contacts and designed to pass the signal from the contacts to the third pair of contacts, and wherein the jack (54) is electrically connected to the third pair of contacts (35). However, Collins fails to specifically disclose a splitter circuit with a second circuit component designed to pass only the second signal. However, the examiner maintains that it was well known in the art to provide a splitter circuit with a second circuit component designed to pass only the second signal, as taught by Russell.

Russell further discloses a splitter circuit (14) with a circuit component designed to pass only the xDSL signal, as disclosed at column 3, lines 31-36 and exhibited in figure 7.



Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Collins by specifically providing a splitter circuit with a circuit component designed to pass only the xDSL signal, as taught by Russell, for the purpose of separating the xDSL signal from the combined POTS signal and high rate digital transmission signal provided to the subscriber over the current telephone company lines.

Regarding **claim 5**, Collins and Russell disclose everything claimed, as applied above (see claim 1). Collins further discloses a module (43), as disclosed at column 6, lines 22-24 and exhibited in figure 9, and a splitter circuit (43b), as disclosed at column 6, lines 32-34 and exhibited in figure 9, further comprising the inherent third pair of contacts and a circuit component located electrically between the first pair of contacts (37) and the inherent third pair of contacts (35) and designed to pass a signal from the inherent first pair of contacts (37) to the inherent third pair of contacts (35). However, Collins fails to specifically disclose a splitter circuit with a second circuit component designed to pass only the second signal. However, the examiner maintains that it was well known in the art to provide a splitter circuit with a second circuit component designed to pass only the second signal, as taught by Russell.

Russell further discloses a splitter circuit (14) with a circuit component designed to pass only the xDSL signal, as disclosed at column 3, lines 31-36 and exhibited in figure 7.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Collins by specifically providing a splitter circuit

with a circuit component designed to pass only the xDSL signal, as taught by Russell, for the purpose of separating the xDSL signal from the combined POTS signal and high rate digital transmission signal provided to the subscriber over the current telephone company lines.

Regarding **claim 8**, Collins discloses a network interface device (NID) and enclosure. Collins further discloses a module (43), as disclosed at column 6, lines 22-24 and exhibited in figure 9, for mounting in the network interface device (NID), as disclosed at column 1, lines 65-69 and exhibited in figure 1, for providing a demarcation point between a pair of telephone company wires (37b), as disclosed at column 6, lines 40-42, and an inherent first and second pair of subscriber wires as evidenced by the fact that one of ordinary skill in the art would have recognized that first and second pair of subscriber wires would have been provided to ensure a communication between the terminals (35), the module (43) and the inherent subscriber equipment, as disclosed at column 5, lines 65-66 and exhibited in figure 7, the inherent first pair of wires for carrying a first signal, the inherent second pair of wires for carrying a second signal and the pair of telephone company wires (37b) for carrying the combined signal of first and second signals, the NID (figure 1) having a housing defining an accessible interior, as disclosed at column 6, lines 16-18 and exhibited in figure 7, the module (43) comprising:

- (a) a block (telephone company terminals (37), splitter module (43), subscriber terminals (35)) of size suitable for placement in the interior of the NID, as disclosed at column 6, lines 27-32 and exhibited in figure 7;

- (b) a splitter circuit (43b) as disclosed at column 6, lines 32-34 and exhibited in figure 9, in the block (37, 43, 35) with an inherent first pair of contacts as evidenced by the fact that one of ordinary skill in the art would have recognized that first pair of contacts would have been provided to as a point of communication between the terminals (37) and the splitter circuit (43a), as disclosed at column 6, lines 39-43 and exhibited in figure 13, electrically connected to the telephone company terminals (37) and an inherent second pair of contacts as evidenced by the fact that one of ordinary skill in the art would have recognized that second pair of contacts would have been provided to as a point of communication between the splitter circuit (43a) and the terminals (35) as disclosed at column 6, lines 20-23 and exhibited in figure 13, a splitter circuit electrically between the inherent first and second pair of and designed to pass the signal from the inherent first pair of contacts to the inherent second pair of contacts;
- (c) a first inside pair of terminals (35), as disclosed at column 5, lines 65-66 and exhibited in figure 7, located on the block (37, 43, 35), electrically connected to the inherent second pair of contacts, as disclosed at column 6, lines 20-23 and exhibited in figure 13, and configured for having the inherent first pair of subscriber wires connected thereto, as disclosed at column 5, lines 65-66 and exhibited in figure 7, and
- (d) a second inside pair of terminals (35), as disclosed at column 5, lines 65-66 and exhibited in figure 7, located on the block (37, 43, 35), electrically connected to

the pair of telephone company wires (37b), as disclosed at column 6, lines 22-24 and exhibited in figure 9, so as to receive at least the second signal, and configured for having the inherent second pair of inside subscriber wires connected thereto, contacts, as disclosed at column 6, lines 20-23 and exhibited in figure 13, and configured for having the inherent first pair of subscriber wires connected thereto, as disclosed at column 5, lines 65-66 and exhibited in figure 7, and

- (e) a jack (54), as disclosed at column 6, lines 22-25 and exhibited in figures 9 and 11, connected to the block (37, 43, 35) and capable of receiving a plug (52) from a standard telephone, as disclosed at column 6, lines 20-22 and exhibited in figure 8, the jack (54) electrically connected to the inherent second contacts, as disclosed at column 6, lines 39-43 and exhibited in figure 13, to allow for testing of the first signal by inserting a telephone plug from the a telephone into the jack (54), as disclosed at column 6, lines 54-60, when the jack is connected to the inherent second pair of contacts.

However, Collins fails to specifically disclose a splitter circuit with a first circuit component designed to pass only the first signal. However, the examiner maintains that it was well known in the art to provide a splitter circuit with a first circuit component designed to pass only the first signal, as taught by Russell.

Russell further discloses a splitter circuit (14) with a circuit component designed to pass only the plain old telephone service (POTS) signal, as disclosed at column 3, lines 28-30 and exhibited in figure 7.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Collins by specifically providing a splitter circuit with a circuit component designed to pass only the POTS signal, as taught by Russell, for the purpose of separating the POTS signal from the combined POTS signal and high rate digital transmission signal provided to the subscriber over the current telephone company lines.

Regarding **claim 9**, Collins and Russell disclose everything claimed, as applied above (see claim 8), however, Collins fails to specifically disclose a second jack and second plug removably inserted therein located electrically in series between the outside pair of terminals and the second inside pair of terminals to provide a demarcation point for the signal received by the second inside pair of terminals. However, the examiner maintains that it is well known in the art to provide a second jack and second plug removably inserted therein, as taught by Russell.

Russell further discloses a splitter circuit (14), exhibited in figure 7, further comprising an inherent second jack as evidenced by the fact that one of ordinary skill in the art would have recognized that a second jack would have been provided for testing of the xDSL communication signal, and an inherent second plug as evidenced by the fact that one of ordinary skill in the art would have recognized that a second plug would have been provided to communicate with the inherent second jack that is used for testing of the xDSL communication signal, removably inserted therein located electrically in series between the loop (17) and inherent subscriber terminals, to provide

a demarcation point for the signal received by the inherent inside terminals, as disclosed at column 3, lines 28-30 and exhibited in figure 7.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Collins by providing a second jack and a second plug, removably inserted therein electrically in series between the telephone company pair of terminals and the second inside pair of terminals, as taught by Russell, for the purpose of testing the xDSL communication signal received at the second inside pair of terminals.

Regarding **claim 10**, Collins and Russell disclose everything claimed, as applied above (see claim 9), in addition Collins further discloses further discloses a module (43), as disclosed at column 6, lines 22-24 and exhibited in figure 9, wherein the splitter circuit further comprises an inherent third pair of contacts (35) as evidenced by the fact that one of ordinary skill in the art would have recognized that third pair of contacts (35) would have been provided to as a point of communication between the splitter circuit (43a) and the second pair of inside terminals (35) as disclosed at column 6, lines 20-23 and exhibited in figure 13, and a circuit component located electrically between the inherent first pair of contacts (37), as disclosed at column 6, lines 20-23 and exhibited in figure 13, and the inherent third pair of contacts (35) and designed to pass the signal from the inherent first pair of contacts, and wherein the inherent second jack is electrically connected to the inherent third pair of contacts (35). However, Collins fails to specifically disclose a splitter circuit with a second circuit component designed to pass only the second signal. However, the examiner maintains that it was well known in

the art to provide a splitter circuit with a second circuit component designed to pass only the second signal, as taught by Russell.

Russell further discloses a splitter circuit (14) with a circuit component designed to pass only the high rate digital data (xDSL), as disclosed at column 3, lines 31-36 and exhibited in figure 7.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Collins by specifically providing a splitter circuit with a second circuit component designed to pass only the high rate digital data (xDSL) signal, as taught by Russell, for the purpose of separating the high rate digital data (xDSL) signal from the combined POTS signal and high rate digital transmission signal provided to the subscriber over the current telephone company lines.

Regarding **claim 11**, Collins and Russell disclose everything claimed, as applied above (see claim 8), in addition Collins further discloses a module (43), as disclosed at column 6, lines 22-24 and exhibited in figure 9, and a splitter circuit (43a), as disclosed at column 6, lines 32-34 and exhibited in figure 9, further comprising the inherent third pair of contacts (35) as evidenced by the fact that one of ordinary skill in the art would have recognized that third pair of contacts would have been provided to as a point of communication between the splitter circuit (43a) and the second pair of inside terminals (35) as disclosed at column 6, lines 20-23 and exhibited in figure 13, and a circuit component located electrically between the inherent first pair of contacts (37) and the inherent third pair of contacts (35) and designed to pass a signal from the inherent first pair of contacts (37) to the inherent third pair of contacts (35). However, Collins fails to

specifically disclose a splitter circuit with a second circuit component designed to pass only the second signal. However, the examiner maintains that it was well known in the art to provide a splitter circuit with a second circuit component designed to pass only the second signal, as taught by Russell.

Russell further discloses a splitter circuit (14) with a circuit component designed to pass only the xDSL signal, as disclosed at column 3, lines 31-36 and exhibited in figure 7.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Collins by specifically providing a splitter circuit with a circuit component designed to pass only the xDSL signal, as taught by Russell, for the purpose of separating the xDSL signal from the combined POTS signal and high rate digital transmission signal provided to the subscriber over the telephone company lines.

Regarding **claim 13**, Collins and Russell disclose everything claimed, as applied above (see claim 8), in addition Collins discloses a module (43) the jack (54), as a disclosed at column 6, lines 22-25 and exhibited in figures 9 and 11, is electrically connected to the inherent second pair of contact (35) during normal operation, as evidenced by the fact that one of ordinary skill in the art would have recognized that the second pair of contacts (35) would have been provided to as a point of communication between the splitter circuit (43a) and the second pair of inside terminals (35) as disclosed at column 6, lines 20-23 and exhibited in figure 13.



Regarding **claim 14**, Collins and Russell disclose everything claimed, as applied above (see claim 8), in addition Collins further discloses a NID (figure 1) having a housing defining an accessible interior and having a mounting surface (1a), therein defining a plurality of module mounting locations, as disclosed at column 6, lines 16-18 and exhibited in figure 7, and the block (telephone company terminals (37), splitter module (43), subscriber terminals (35)) having mounting footprint, as exhibited in figure 12, configured for removable attachment, as disclosed at column 6, lines 27-32, to one or more mounting location (1a), as exhibited in figure 7;

Regarding **claim 15**, Collins discloses a network interface device (NID) and enclosure. Collins further discloses a splitter module (43), as disclosed at column 6, lines 22-24 and exhibited in figure 9, comprising:

- (a) a network interface device (NID), as disclosed at column 1, lines 65-69 and exhibited in figure 1, for providing a demarcation point between a pair of telephone wires (37b), as disclosed at column 6, lines 40-42, and an inherent first and second pair of subscriber inside wires as evidenced by the fact that one of ordinary skill in the art would have recognized that first and second pair of subscriber inside wires would have been provided to ensure a communication between the terminals (35), the module (43) and the inherent subscriber equipment, as disclosed at column 5, lines 65-66 and exhibited in figure 7, the inherent first pair of inside wires for carrying a POTS signal, the inherent second pair of wires for carrying a high data rate digital transmission signal and the pair of telephone company wires (37b) for carrying the combined POTS and high data

rate digital transmission signals, the NID (figure 1) having a housing defining an accessible interior with a plurality of identical module mounting locations, as disclosed at column 6, lines 16-18 and exhibited in figure 7;

(b) the splitter module (43) comprising:

- (1) a block (telephone company terminals (37), splitter module (43), subscriber terminals (35)) having mounting footprint, as exhibited in figure 12, configured for removable attachment, as disclosed at column 6, lines 27-32, to at least one mounting location (1a), as exhibited in figure 7;
- (2) a splitter circuit (43a), as disclosed at column 6, lines 32-34 and exhibited in figure 9, in the block (37, 43, 35) with an inherent first pair of contacts as evidenced by the fact that one of ordinary skill in the art would have recognized that first pair of contacts would have been provided to as a point of communication between the terminals (37) and the splitter circuit (43a), as disclosed at column 6, lines 39-43 and exhibited in figure 13, electrically connected to the telephone company wires (37b), as disclosed at column 6, lines 40-42, and an inherent second pair of contacts as evidenced by the fact that one of ordinary skill in the art would have recognized that second pair of contacts would have been provided to as a point of communication between the splitter circuit (43a) and the terminals (35) as disclosed at column 6, lines 20-23 and exhibited in figure 13, a splitter circuit electrically between the inherent first and second pair of and

designed to pass the signal from the first pair of contacts to the second pair of contacts.

- (3) a first inside pair of terminals (35), as disclosed at column 6, lines 20-23 and exhibited in figure 13, located on the block (37, 43, 35) electrically connected to the inherent second pair of contacts (37) and configured for having the inherent first pair of inside wires connected thereto;
- (4) a second inside pair of terminals (35), as disclosed at column 6, lines 20-23 and exhibited in figure 13, located on the block (37, 43, 35), electrically connected to the outside pair of telephone company terminals (37), as disclosed at column 6, lines 16-21 and exhibited in figure 7, so as to receive at least the and high data rate digital transmission signal, and configured for having the inherent second pair of inside wires connected thereto; and
- (5) a jack (54), as disclosed at column 6, lines 22-25 and exhibited in figures 9 and 11, connected to the block (37, 43, 35) and capable of receiving a plug (52) from a standard telephone, as disclosed at column 6, lines 20-22 and exhibited in figure 8, the jack (54) electrically connected to the inherent second contacts, as disclosed at column 6, lines 39-43 and exhibited in figure 13, to allow for testing of the POTS signal by the subscriber by inserting a telephone plug from the a telephone into the jack (54), as disclosed at column 6, lines 54-60, when the jack is connected to the inherent second pair of contacts.

However, Collins fails to specifically disclose a splitter circuit with a first circuit component designed to pass only the POTS signal. However, the examiner maintains that it was well known in the art to provide a splitter circuit with a first circuit component designed to pass only the POTS signal, as taught by Russell.

Russell further discloses a splitter circuit (14) with a circuit component designed to pass only the POTS signal, as disclosed at column 3, lines 28-30 and exhibited in figure 7.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Collins by specifically providing a splitter circuit with a circuit component designed to pass only the POTS signal, as taught by Russell, for the purpose of separating the POTS signal from the combined POTS signal and high rate digital transmission signal provided to the subscriber over the telephone company lines.

Regarding **claim 16**, Collins and Russell disclose everything claimed, as applied above (see claim 15), in addition, Collins further discloses wherein the NID comprises at least one POTS line module (43) mounted at a mounting location (1a) adjacent to the splitter module (43), as disclosed at column 6, lines 16-19 and exhibited in figure 7.

Regarding **claim 17**, Collins and Russell disclose everything claimed, as applied above (see claim 15), in addition Collins discloses an assembly wherein the NID (figure 1) further comprises an inner door (5) that prevents unauthorized removal of the splitter module (43) from its mounting location when in a closed position, as disclosed at column 5, lines 14-58 and exhibited in figure 1.

Regarding **claim 18**, Collins discloses a network interface device (NID) and enclosure. Collins further discloses a splitter module (43), as disclosed at column 6, lines 22-24 and exhibited in figure 9, for selectively passing a portion of signal from the telephone company combined signal, the splitter module further comprising;

- (a) a block (telephone company terminals (37), splitter module (43), subscriber terminals (35)), as disclosed at column 6, lines 27-32 and exhibited in figure 7;
- (b) a telephone company pair of terminals (37), as disclosed at column 6, lines 16-21 and exhibited in figure 7, and located on the block (37, 43, 35);
- (c) a jack (54), as disclosed at column 6, lines 22-25 and exhibited in figures 9 and 11, connected to the block (37, 43, 35) and a plug (52) removably inserted in the jack (54) to create a first demarcation point, as disclosed at column 6, lines 20-22 and exhibited in figure 8, and
- (d) a splitter circuit (43b) as disclosed at column 6, lines 32-34 and exhibited in figure 9, located in the block (37, 43, 35) and electrically in series between the telephone company pair of terminals (37) and the jack (54), the circuit design to pass the signal to the jack (54) when the combined signal is transmitted through the telephone company pair of terminals (37) to the splitter circuit (43b).

However, Collins fails to specifically disclose a splitter circuit with a first circuit component designed to pass only the first signal. However, the examiner maintains that

it was well known in the art to provide a splitter circuit with a first circuit component designed to pass only the first signal, as taught by Russell.

Russell further discloses a splitter circuit (14) with a circuit component designed to pass only the plain old telephone service (POTS) signal, as disclosed at column 3, lines 28-30 and exhibited in figure 7.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Collins by specifically providing a splitter circuit with a circuit component designed to pass only the POTS signal, as taught by Russell, for the purpose of separating the POTS signal from the combined POTS signal and high rate digital transmission signal provided to the subscriber via the telephone company lines.

4. **Claims 2, 6, 12, 19 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins in view of Russell and further in view of well know prior art (MPEP 2144.03).

Regarding **claim 2**, Collins and Russell disclose everything claimed, as applied above (see claim 1), in addition Collins discloses a module (43) wherein the block (37, 43, 45) is of sufficient size to occupy several mounting locations and to allow other modules to be placed in adjacent mounting locations, as disclosed at column 7, lines 34-45 and exhibited in figure 14. However, Collins fails to specifically disclose a block of sufficient size to occupy two mounting locations. However, the examiner takes official notice of the fact that it was well known in the art to have blocks of sufficient size to occupy two mounting locations.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Collins for the purpose of providing sufficient space to house all of the necessary splitter circuitry.

Regarding **claim 6**, Collins and Russell disclose everything claimed, as applied above (see claim 5), in addition Collins discloses a module (43) wherein a signal jack and a signal plug removably inserted therein to provide a test point for the signal, as disclosed at column 6, lines 54-60. However, Collins fails to specifically disclose a combined signal jack and combined signal plug removably inserted therein located electrically in series between the telephone company pair of terminals to provide a test point for the combined telephone company signal. However, the examiner takes official notice of the fact that it was well known in the art to have a combined signal jack and combined signal plug removably inserted therein located electrically in series between the telephone company pair of terminals to provide a test point for the combined telephone company signal.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Collins for the purpose of providing a jack and a plug, removably inserted therein electrically in series between the telephone company pair of terminals and the first pair of contacts, for the telephone company personnel to test the combined POTS and high data rate transmission signal at the NID by simply inserting a plug versus disconnecting the telephone company wires from the telephone company terminals to test the signal received at the NID.

Regarding **claim 12**, Collins and Russell disclose everything claimed, as applied above (see claim 11), in addition Collins discloses a module (43) wherein a signal jack and a signal plug removably inserted therein to provide a test point for the signal, as disclosed at column 6, lines 54-60. However, Collins fails to specifically disclose a combined signal jack and combined signal plug removably inserted therein located electrically in series between the telephone company pair of terminals to provide a test point for the combined telephone company signal. However, the examiner takes official notice of the fact that it was well known in the art to have a combined signal jack and combined signal plug removably inserted therein located electrically in series between the telephone company pair of terminals to provide a test point for the combined telephone company signal.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Collins for the purpose of providing a jack and a plug, removably inserted therein electrically in series between the telephone company pair of terminals and the first pair of contacts, for the telephone company personnel to test the combined POTS and high data rate transmission signal at the NID by simply inserting a plug versus disconnecting the telephone company wires from the telephone company terminals to test the signal received at the NID.

Regarding **claim 19**, Collins and Russell disclose everything claimed, as applied above (see claim 18), however, Collins fails to specifically disclose a second jack and second plug removably inserted in the jack to create a second demarcation point, the jack electrically connected to a point between the telephone company pair of terminals



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and the splitter circuit. However, the examiner maintains that it is well known in the art to provide a second jack and second plug removably inserted therein electrically connected to a point between the telephone company pair of terminals and the splitter circuit, as taught by Russell and well known prior art.

Regarding the "second jack and second plug", Russell further discloses a splitter circuit (14), exhibited in figure 7, further comprising and inherent second jack as evidenced by the fact that one of ordinary skill in the art would have recognized that a second jack would have been provided for testing of the xDSL communication signal, and an inherent second plug as evidenced by the fact that one of ordinary skill in the art would have recognized that a second plug would have been provided to communicate with the inherent second jack that is used for testing of the xDSL communication signal, removably inserted therein located electrically in series between the loop (17) and the inherent subscriber terminals to provide a second demarcation point, as disclosed at column 3, lines 28-30 and exhibited in figure 7.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Collins by providing a second jack and a second plug, removably inserted therein electrically in series between the telephone company pair of terminals and the first circuit component, as taught by Russell, to provide a second demarcation point and test the xDSL communication signal received at the second inside pair of terminals.

Regarding the "second demarcation point", the examiner takes official notice of the fact that it was well known in the art to provide demarcation points at various locations within the system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Collins combination for the purpose of providing a second demarcation point as taught by well known prior art for the purpose of testing the communication signal received.

Regarding **claim 20**, Collins, Russell and well known prior art disclose everything claimed, as applied above (see claim 19), however, Collins fails to specifically disclose a second splitter circuit electrically in series between the telephone company pair of terminals (37) and the jack, wherein the second circuit component is designed to pass only the second signal to the jack. However, the examiner maintains that it was well known in the art to provide a second splitter circuit electrically in series between the telephone company pair of terminals (37) and the jack, wherein the second circuit component is designed to pass only the second signal to the jack, as taught by Russell and well known prior art.

Regarding the "second splitter circuit", Russell further discloses a splitter circuit (14), exhibited in figure 7, further comprising and inherent second jack as evidenced by the fact that one of ordinary skill in the art would have recognized that a second jack would have been provided for testing of the xDSL communication signal, located electrically in series between the loop (17) and the inherent subscriber terminals, to

provide a second demarcation point, as disclosed at column 3, lines 28-30 and exhibited in figure 7.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Collins by providing a second splitter circuit electrically in series between the telephone company pair of terminals (37) and the jack, wherein the second circuit component is designed to pass only the xDSL signal to the jack, as taught by Russell, for the purpose of separating the xDSL signal from the combined POTS signal and high rate digital transmission signal provided to the subscriber via the current telephone company lines.

Regarding the "location of the second splitter circuit", the examiner takes official notice of the fact that it was well known in the art to provide a second splitter circuit at various locations within the system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Collins combination for the purpose of providing a second splitter circuit at various locations within the system as taught by well know prior art for the purpose of splitting the combined communication signal received.

5. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Collins in view of Russell and further in view of Butler et al. (United States Patent 5,548,641), hereinafter referenced as Butler.

Regarding **claim 7**, Collins and Russell disclose everything claimed, as applied above (see claim 1), however, the Collins and Russell combination fails to specifically

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disclose a block wherein the block comprises a protector element and a conductive means for grounding. However, the examiner maintains that it was well known in the art to provide a block wherein the block comprises a protector element and a conductive means for grounding, as taught by Butler.

In a similar field of endeavor, Butler discloses a protected telephone network termination module. Butler further discloses a block (40) with a protector element (6) and a conductive means for grounding (2), as disclosed at column 2, lines 41-44 and exhibited in figure 1.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Collins and Russell by specifically providing a block wherein the block comprises a protector element and a conductive means for grounding, as taught by Butler, for the purpose of protecting the electrical circuitry from power surges.

### Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. **Claims 1-20** are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over **claims 1-29** of U.S. Patent No. 6,137,866, hereinafter referenced as '866 in view of well known prior art (MPEP 2144.03). Although the conflicting claims are not identical, they are not patentably distinct from each other because subject matter claimed in the instant application "xDSL splitter line module for network interface device" is drawn to the concept of splitting a combined signal from a telephone company.

Regarding **claim 1**, '866 discloses an indoor xDSL splitter assembly. In addition, '866 discloses an housing which reads on the claimed "network interface device (NID)", and a splitter circuit card which reads on the claimed "splitter module", where the housing provides a demarcation point between a pair of outside plant wires and a first and second pair of subscriber wires, the first pair of inside wires for carrying a first signal, the second pair of inside wires for carrying a second signal and the pair of

outside plant wires for carrying a combined signal of the first and the second signals, the housing having a defining accessible interior, the splitter card comprising:

- (a) a block having a mounting footprint configured for removable attachment to at least on mounting location;
- (b) an outside plant pair of terminals located on the block and configured for having a the pair of outside plant wires connected thereto;
- (c) a splitter module housed in the block with a first pair of contacts electrically connected to the outside plant pair of terminals and a second pair of contacts, a first circuit component of the circuit electrically between the first and second pair of contacts and designed to pass only the first signal from the first pair of contacts to the second pair of contacts;
- (d) a first jack located on the block and electrically connected to the second pair of contacts;
- (e) a first plug removably located in the jack to provide a subscriber test point for the first signal upon removal of the plug from the jack;
- (f) a first inside pair of terminals located on the block, electrically connected to the second pair of contacts through the subscriber test point and configured for having the first pair of inside wires connected thereto; and
- (g) a second inside pair of terminals located on the block, electrically connected to the outside pair of terminals so as to receive at least the second signal, and configured for having the second pair of inside wires connected thereto, as disclosed in **claims 1 and 20**.

However, the examiner takes official notice of the fact that it is well known in the art to have a mounting surface within a housing for the attachment of a plurality of modules to mounting locations.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '866 by specifically having a mounting surface within a housing for the attachment of a plurality of modules to mounting locations for providing multiple telephone line combinations to a subscriber.

Regarding **claim 2**, '866 discloses everything claimed, as applied above (see claim 1), however, '866 fails to disclose a block of a size to occupy two mounting locations and allow other modules to be placed in adjacent mount locations. However, the examiner takes official notice of the fact that it is well known in the art to have a block of a size to occupy two mounting locations and allow other modules to be placed in adjacent mount locations.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '866 by specifically having a block of a size to occupy two mounting locations and allow other modules to be placed in adjacent mount locations for splitting telephone line signals and providing multiple telephone line combinations to a subscriber.

Regarding **claim 3**, '866 discloses everything claimed, as applied above (see claim 1), '863 further discloses a second jack and second plug removably inserted therein located electrically in series between the outside pair of terminals and the

second inside pair of terminals to provide a demarcation point for the signal received by the second inside pair of terminal, as disclosed in **claims 1, 3 and 20**.

Regarding **claim 4**, '866 discloses everything claimed, as applied above (see claim 3), '863 further discloses wherein the splitter circuit card further comprises a third pair of contacts and a second circuit component located electrically between the first pair of contacts and the third pair of contacts and designed to pass only the second signal from the first pair of contacts to the third pair of contacts, and wherein the second jack is electrically connected to the third pair of contacts, as disclosed in **claims 1 and 2**.

Regarding **claim 5**, '866 discloses everything claimed, as applied above (see claim 1), '863 further discloses wherein the splitter circuit card further comprises a third pair of contacts and a second circuit component located electrically between the first pair of contacts and the third pair of contacts and designed to pass only the second signal from the first pair of contacts to the third pair of contacts, as disclosed in **claims 1 and 2**.

Regarding **claim 6**, '866 discloses everything claimed, as applied above (see claim 5), '863 further comprises a combined signal jack and combined signal plug removably inserted therein located electrically in series between the outside plant pair of terminals and the first pair of contacts to provide a test point for the combined signal, as disclosed in **claims 1, 2, and 4**.

Regarding **claim 7**, '866 discloses everything claimed, as applied above (see claim 1), however, '866 fails to disclose a protector located on the block for conducting



surges to ground. However, the examiner takes official notice of the fact that it is well known in the art to have a protector located on the block for conducting surges to ground.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '866 by specifically having a protector located on the block for conducting surges to ground for the purpose of protecting the electrical circuitry from power surges.

Regarding **claim 8**, '866 discloses an indoor xDSL splitter assembly. In addition, '866 discloses an housing which reads on the claimed "network interface device (NID)", and a splitter circuit card which reads on the claimed "splitter module", where the housing provides a demarcation point between a pair of outside plant wires and a first and second pair of subscriber wires, the first pair of inside wires for carrying a first signal, the second pair of inside wires for carrying a second signal and the pair of outside plant wires for carrying a combined signal of the first and the second signals, the housing having a defining accessible interior, the splitter card comprising:

- (a) a block of a size suitable for placement in the interior of the housing;
- (b) a splitter module housed in the block with a first pair of contacts electrically connected to the outside plant pair of terminals and a second pair of contacts, a first circuit component of the circuit electrically between the first and second pair of contacts and designed to pass only the first signal from the first pair of contacts to the second pair of contacts;

- (c) a first inside pair of terminals located on the block electrically connected to the second pair of contacts and configured for having the first pair of inside wire connected thereto;
- (d) a second inside pair of terminals located on the block, electrically connected to the outside pair of terminals so as to receive at least the second signal, and configured for having these second pair of inside wires connected thereto;
- (e) a POTS jack connected to the block and capable of receiving a plug from a standard telephone, the POTS jack electrically connectable to the second pair of contacts to allow for testing of the first signal by the subscriber by inserting a telephone plug from a telephone into the POTS jack when the POTS jack is electrically connected to the second pair of contacts. As disclosed in **claims 1, 13, and 20.**

Regarding **claim 9**, '866 discloses everything claimed, as applied above (see claim 8), '863 further comprises a second jack and second plug removably inserted therein located electrically in series between the outside pair of terminals and the second inside pair of terminals to provide a demarcation point for the signal received by the second inside pair of terminals, as disclosed in **claims 1, 13, 20, 25, 28, and 29.**

Regarding **claim 10**, '866 discloses everything claimed, as applied above (see claim 8), '863 further discloses wherein the splitter circuit card further comprises a third pair of contacts and a second circuit component located electrically between the first pair of contacts and the third pair of contacts and designed to pass only the second signal from the first pair of contacts to the third pair of contacts, and wherein the second

jack is electrically connected to the third pair of contacts, as disclosed in **claims 1, 2, 13 and 20**.

Regarding **claim 11**, '866 discloses everything claimed, as applied above (see claim 8), '863 further discloses wherein the splitter circuit card further comprises a third pair of contacts and a second circuit component located electrically between the first pair of contacts and the third pair of contacts and designed to pass only the second signal from the first pair of contacts to the third pair of contacts, as disclosed in **claims 1, 2, 13, and 20**.

Regarding **claim 12**, '866 discloses everything claimed, as applied above (see claim 8), '863 further comprises a combined signal jack and combined signal plug removably inserted therein located electrically in series between the outside plant pair of terminals and the first pair of contacts to provide a test point for the combined signal, as disclosed in **claims 1, 2, and 4**.

Regarding **claim 13**, '866 discloses everything claimed, as applied above (see claim 8), '863 further discloses wherein the POTS jack is electrically connected to the second pair of contacts during normal operation, as disclosed in **claims 1, 2, and 13**.

Regarding **claim 14**, '866 discloses everything claimed, as applied above (see claim 8), however, '866 fails to disclose wherein the NID has a plurality of mounting locations and a block that defines a mounting footprint that is removably attachable to one or more of the mounting locations of a size to occupy two mounting locations and allow other modules to be placed in adjacent mount locations. However, the examiner takes official notice of the fact that it is well known in the art to have a NID that has a

plurality of mounting locations and a block that defines a mounting footprint that is removably attachable to one or more of the mounting locations of a size to occupy two mounting locations and allow other modules to be placed in adjacent mount locations.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '866 by specifically having a NID that has a plurality of mounting locations and a block that defines a mounting footprint that is removably attachable to one or more of the mounting locations of a size to occupy two mounting locations and allow other modules to be placed in adjacent mount locations for splitting telephone line signals and providing multiple telephone line combinations to a subscriber.

Regarding **claim 15**, '866 discloses an indoor xDSL splitter assembly. In addition, '866 a splitter circuit card which reads on the claimed "splitter module", as disclosed in **claim 21**, comprising:

- (a) a NID for providing a demarcation point between a pair of outside plant wires and a first and a second pair of subscriber inside wires, the first pair of inside wires for carrying a POTS signal, the second pair of inside wires for carrying and xDSL signal and the pair of outside plant wires for carrying a combined POTS and xDSL signal, the housing having a NID having a housing defining an interior as disclosed in **claim 21**;
- (b) a splitter card comprising;
  - (1) an xDSL splitter circuit housed on the block with a first pair of contacts for electrical connection to the pair of outside plant wires and a second pair of

contacts, a first circuit component of the circuit electrically between the first and the second pair of contacts and designed to pass only POTS signals from the first pair of contacts to the second pair of contact;

(2) a first inside pair of terminals located on the block electrically connected to the second pair of contacts and configured for having the first pair of inside wires connected thereto; and

(3) a second inside pair of terminals located on the block, electrically connected to an outside pair of terminals so as to receive at least the xDSL signal, and configured for having the second pair of inside wires connected thereto; and

(4) a POTS jack connected to the block and capable of receiving a plug from a standard telephone, the POTS jack electrically connectable to the second pair of contacts to allow for testing of the POTS signal by the subscriber by inserting a telephone plug from a telephone into the POTS jack when the POTS jack is electrically connected to the second pair of contacts, as disclosed in **claims 21-25**.

However, '866 fails to disclose a NID with a plurality of mounting locations for modules and a block with a mounting footprint to be received in one or more of the mounting locations. However, the examiner takes official notice of the fact that it is well known in the art to have a NID with a plurality of mounting locations for modules and a block with a mounting footprint to be received in one or more of the mounting locations.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '866 by specifically having a NID with a plurality

of mounting locations for modules and a block with a mounting footprint to be received in one or more of the mounting locations for splitting telephone line signals and providing multiple telephone line combinations to a subscriber.

Regarding **claim 16**, '866 discloses everything claimed, as applied above (see claim 15), '863 further discloses wherein at least one POTS line module mounted at a mounting location adjacent to the splitter module, as disclosed in **claims 21-25**.

Regarding **claim 17**, '866 discloses everything claimed, as applied above (see claim 15), however, '863 fails to disclose a NID with an inner door that prevents unauthorized removal of the splitter card from its mounting location when in a closed position. However, the examiner takes official notice of the fact that it is well known in the art to have a NID with an inner door that prevents unauthorized removal of the splitter card from its mounting location when in a closed position.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '866 by specifically having a NID with an inner door that prevents unauthorized removal of the splitter card from its mounting location when in a closed position for control access to the NID.

Regarding **claim 18**, '866 discloses an indoor xDSL splitter assembly. In addition, '866 discloses a splitter circuit card which reads on the claimed "splitter module", '866 further discloses a splitter card for selectively passing a first signal from a combined signal having the first signal together with a second signal, the splitter card comprising;

- (a) a housing;

- (b) a first pair of terminals located on the housing;
- (c) a RJ-11 jack located on the housing and a RJ-11 plug removably inserted in the RJ-11 jack to create a first demarcation point; and
- (d) a first splitter circuit located in the housing and electrically in series between the first pair of terminals and the RJ-11 jack, the first splitter circuit design to pass only the first signal to the RJ-11 jack when the combined signal is transmitted through the first pair of terminals to the first splitter circuit, as disclosed in **claims 1, 11, 13, and 20**.

Regarding **claim 19**, '866 discloses everything claimed, as applied above (see claim 18), '863 further discloses an RJ-45 jack located on the housing and an RJ-45 plug removably inserted in the RJ-45 jack, to create a second demarcation point, the RJ-45 jack electrically connected to a point between the first pair of terminals and the first splitter circuit, as disclosed in **claims 1, 6, 7, 11, 13, and 20**.

Regarding **claim 20**, '866 discloses everything claimed, as applied above (see claim 19), '863 further discloses a second splitter circuit located in the housing and electrically in series between the point and the RJ-45 jack, the second splitter circuit designed to pass only the second signal to the RJ-45 jack when the combined signal is transmitted through the first pair of terminals to the second splitter circuit, as disclosed in **claims 1, 2, 6, 7, 11, 13, and 20**.

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**Conclusion**


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is (703) 306-5836. The examiner can normally be reached on Monday-Thursday and every other Friday 7:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-9508 for regular communications and (703) 305-9508 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



JFH  
March 29, 2001



FORESTER W. ISEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2700